

UNITED STATES DISTRICT COURT

for the
Western District of Virginia

AUG 05 2013

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

In the Matter of the Search of
 (Briefly describe the property to be searched
 or identify the person by name and address)
)
 SPRINT, 6480 Sprint Parkway, Overland Park, KS
 66251 - Stored Electronic Communication Records
 pertaining to mobile telephone account 919-438-7542
)
)

Case No.

7:13MJ92

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
 Stored Electronic Communication Records pertaining to mobile telephone account 919-438-7542 in the possession of SPRINT, 6480 Sprint Parkway, Overland Park, KS 66251.

located in the _____ District of Kansas, there is now concealed (identify the person or describe the property to be seized):

Call detail records, including cell site location and sector information, subscriber records, numbers dialed, call duration, incoming numbers, and any and all changes to account, to include additions, deletions, and transfers in service, including changed telephone numbers, subscriber changes, and customer notes, between 03/28/2013 and 08/05/2013.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 18, USC 2250	Fail to Register

The application is based on these facts:

See attached affidavit.

Continued on the attached sheet.
 Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Gregory Burnett, Senior Inspector

Printed name and title



Judge's signature

Robert S. Ballou, United States Magistrate Judge

Printed name and title

Sworn to before me and signed in my presence.

Date: 8/5/2013

City and state: Roanoke, VA

Affidavit

7:13MJ92

in Support of Search Warrant for Stored Electronic Communications Records

I, Gregory L. Burnett, am a Senior Inspector, of the United States Marshals Service and have been so employed for over 16 years. I am assigned to the United States Marshals Service, Western District of Virginia as the Sex Offender Investigations Coordinator. In accordance with the performance of my duties, I am assigned to locate and apprehend federal, state, and local fugitives, conduct criminal investigations, and make arrests in accordance with the same.

In support of the search warrant for historical records pertaining to mobile telephone account 919-438-7542, I state the following:

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

AUG 05 2013

BACKGROUND:

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

1. On October 23, 2012, Senior Inspector Burnett and Trooper Locklear of the Virginia State Police conducted interviews of two cooperating sources regarding Lavette Lee HINTON. During the interviews, information was provided concerning HINTON being a convicted sex offender and residing in Roanoke, VA.
2. On October 29, 2012, an investigation was initiated by Senior Inspector G. Burnett concerning Lavette Lee HINTON. During the investigation it was learned that HINTON was convicted of Indecent Liberties with a Child and sentenced to a term of imprisonment in the state of North Carolina on April 21, 2004. Based on the conviction, HINTON is required to register as a Sex Offender under the Sex Offender Registration and Notification Act (SORNA).

STATUTORY AUTHORITY:

3. Pursuant to Title 18, United States Code § 2250. Failure to Register
(a) In General.--Whoever-- (1) is required to register under the Sex Offender Registration and Notification Act; (2) (A) is a sex offender as defined for the purpose of the Sex Offender Registration and Notification Act by reason of a conviction under Federal law (including the Uniform Code of Military Justice), the law of the District of Columbia, Indian tribal law, or the law of any territory or possession of the United States; or (B) travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country; and (3) knowingly fails to register or update a registration as required by the Sex Offender Registration.
4. Section 113 of SORNA (42 U.S.C. 16913(a)), Registry requirements for sex offenders, defines who must register: (a) In General – A sex offender shall register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student. For initial registration purposes only, a sex offender shall also register in the jurisdiction in which convicted if such jurisdiction is different from the jurisdiction of residence.
5. Section 113 of SORNA (42 U.S.C. 16913(c)), further defines the sex offender's responsibility to keep his/her registration current: (c) Keeping Registration Current – A sex offender shall, not later than 3 business days after each change of name, residence,

[Signature]
6/5/2013

employment or student status, appear in person in at least 1 jurisdiction involved pursuant to subsection (a) and inform that jurisdiction of all changes in the information required for that offender in the sex offender registry. That jurisdiction shall immediately provide that information to all other jurisdictions in which the offender is required to register.

INVESTIGATION:

6. During the investigation, it was determined that HINTON has registered with Law Enforcement authorities in the State of North Carolina. It was also determined that HINTON is not residing at his registered address in the state of North Carolina, and that HINTON is traveling to Roanoke, VA where he is habitually residing. It has been determined that HINTON has not registered as a sex offender in the state of Virginia.
7. Continuous information has been developed regarding the location of HINTON. It has been learned that HINTON most recently arrived in Roanoke, VA on or about March 27, 2013 and departed on July 08, 2013. While in Roanoke, VA HINTON has habitually resided at 2117 Holley Rd NE, Roanoke, VA.

SPECIFICS OF SEARCH AND SEIZURE OF STORED ELECTRONIC COMMUNICATIONS RECORDS

8. Senior Inspector G. Burnett has determined that HINTON is in possession of a cellular telephone with an assigned telephone number of 919-438-7542. The subscriber has been identified by Sprint as being Lavette HINTON, 617 Ileagnes Rd, Raleigh, NC 27603. SI Burnett therefore requests that Sprint provide transactional electronic records pertaining to mobile telephone account 919-438-7542.
9. Moreover, it is requested that Sprint provide all historical call detail records between the time period of March 28, 2013 and August 5, 2013 to include subscriber information, numbers dialed, call duration, incoming telephone numbers, and the cell site (including sector) used by the cellular device at the beginning and end of a call.
10. In addition, that the requested transactional records that are stored by Sprint concerning the account of HINTON, be provided to ascertain and establish the cellular network switch that the handheld cellular device was operating on, as well as, the associated historical cell tower registration information pertaining to the handheld cellular device.
11. The records should also include any and all changes (including additions, deletions, and transfers) in service regarding 919-438-7542, including changed telephone numbers, equipment changes, and subscriber information changes (published, non-published, listed, or un-listed).
12. The requested records are relevant and material to an ongoing criminal investigation concerning violations of Title 18, United States Code, § 2250.

Based on the foregoing, your affiant submits that probable cause exists to issue a federal search warrant for stored electronic communications records pertaining to mobile telephone account 919-438-7542.

WBS
6/5/2013

I state the following is true and correct to the best of my knowledge and ability under penalty of perjury.



Gregory L. Burnett
Senior Inspector

Sworn to and subscribed before me this 5th day of ^{August} July, 2013.



Robert Ballou
United States Magistrate Judge